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SERVICE DATE - SEPTEMBER 4, 1997

DEPARTMENT OF TRANSPORTATION

SURFACE TRANSPORTATION BOARD¹

[Finance Docket No. 32530]

Kansas City Southern Railway Company -- Construction and
Operation exemption -- Geismar Industrial area near Gonzales and
Sorrento, Louisiana

AGENCY: Surface Transportation Board

ACTION: Notice of extension of time for comment period for draft
environmental impact statement (EIS).

SUMMARY: The Kansas City Southern Railway Company (KCS) applied to the Interstate Commerce Commission (ICC), now the Surface Transportation Board (Board), for authority to construct and operate an 8.62-mile rail line from the Geismar Industrial area to its mainline near Gonzales and Sorrento, in Ascension Parish, Louisiana. On July 16, 1997, the Board's Section of Environmental Analysis (SEA) issued a draft EIS. Consistent with Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA), SEA provided a 45-day comment period for the public review of the draft EIS, with comments due by September 8, 1997.

Several parties, including the Concerned Citizens of Ascension Parish (CCAP), Illinois Central Railroad (IC), members of Congress, and local individuals have requested that the comment period be extended an additional 60 days and also requested a public hearing. KCS replied to these petitions

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to section 49 U.S.C. 10901. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former section of the statute, unless otherwise indicated.

stating in essence that petitioners had not provided sufficient reason why the 45 day comment period was inadequate.

In carefully reviewing CCAP's concerns, as well as those expressed by other parties, SEA believes that the 45-day comment period specified by CEQ guidelines is sufficient in this case. However, in order to allow every opportunity for public input into the Board's NEPA process in this case, SEA will accept comments to the draft EIS for an additional 15 days past the current due date of September 8, 1997. Comments to the draft EIS will now be due on September 23, 1997.

If you wish to file comments on the draft EIS, send an original and 10 copies to: Vernon A. Williams, Secretary, Surface Transportation Board, Suite 700, 1925 K Street, NW, Washington, DC 20423. Mark the lower left corner of the envelope: Attention: Michael Dalton, Environmental Comments, Finance Docket No. 32530.

FOR FURTHER INFORMATION CONTACT: Michael Dalton, Section of Environmental Analysis, Room 528, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423; phone number (202) 565-1530. TDD for the hearing impaired: (202) 565-1695.

SUPPLEMENTARY INFORMATION: Because the Board served the draft EIS on the parties of record on July 16, 1997 and the 45-day comment period did not begin until the Environmental Protection Agency (EPA) published the Notice of EIS Availability in the Federal Register on July 25, 1997, the actual total time between the service and distribution of the draft EIS and the end of the comment period is 55 days. The additional 15-day extension results in a 70-day comment period.

In addition, CEQ guidelines and the Board's environmental rules do not require a public hearing to solicit comments on a draft EIS. SEA believes that the submission of written comments, which is the Board's normal procedure, is sufficient to develop the record in this case. In this regard, the Board has found that written comments provide necessary and effective written documentation of environmental issues and concerns for our public record.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

